

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____
v. : **DATE FILED:** _____
MOHAMMED MAKADA : **VIOLATIONS: 18 U.S.C. § 2320**
 (trafficking in counterfeit goods-
 1 count)
 21 U.S.C. §§ 331(a) and 333
 (introducing misbranded items into
 interstate commerce – 1 count)

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES:

At all times material to this Information:

1. Defendant **MOHAMMED MAKADA** was in the business of importing merchandise into the United States, using the fictitious name “Makada International,” and operating “Makada International” out of 23 Wellington Road, Upper Darby, Pennsylvania 19082.
2. “CHAP STICK” was a trademark owned by Wyeth Pharmaceuticals (“Wyeth”), a corporation organized under the laws of the State of New Jersey, with a principal place of business located at 5 Giralda Farms, Madison, New Jersey 07940. The trademark “CHAP STICK” had Registration No. 86,819, and had been federally registered since 1912 in the United States Patent and Trademark Office. The genuine product CHAP STICK was manufactured in Richmond, Virginia, and in Braunton, England.

3. From in or around February 2002 through in or around September 2003,
at Upper Darby, in the Eastern District of Pennsylvania and elsewhere, defendant

MOHAMMED MAKADA

intentionally trafficked and attempted to traffic in goods, namely, CHAPSTICK, and knowingly
used a counterfeit mark on and in connection with such goods.

In violation of Title 18, United States Code, Section 2320(a).

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES:

1. The allegations of paragraphs 1 and 2 of Count One of this information are realleged as if fully set forth here.

2. From on or about May 29, 2003 until in or around September 2003, at Upper Darby, in the Eastern District of Pennsylvania and elsewhere, defendant

MOHAMMED MAKADA,

with intent to defraud, introduced and delivered for introduction into interstate commerce a drug, device and cosmetic that was adulterated and misbranded, namely, counterfeit CHAPSTICK.

In violation of Title 21, United States Code, Sections 331(a) and 333.

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. As a result of the violation of Title 18, United States Code, Section 2320 set forth in this information, defendant

MOHAMMED MAKADA

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offense, including, but not limited to, the sum of approximately \$92,900.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other

property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 981(a)(1)(C).

PATRICK L. MEEHAN
United States Attorney